

**REPORT TO THE DEPARTMENT OF JUSTICE  
Regarding the Help America Vote Act of 2002**

**August 7, 2006**

**WYOMING**

**Joseph B. Meyer  
Secretary of State**

# 1 Tasks Since the Last Report

Since the last report on April 12, 2006 Wyoming has taken many steps to proceed with the plans of action which were discussed in past reports to the Department of Justice.

## 2 Voter Registration – short term plan

As reported previously, Wyoming has two projects before us in our attempt to become fully HAVA compliant. First, we are attempting to put a process in place for a statewide voter registration system for 2006. Given the short timeframe and technological options available to us, the 2006 solution will not fully suffice as a long term solution. Therefore, the second project before us is to complete the fully HAVA compliant long term system.

First we will address the short term solution. We have made significant progress in this regard. In our report, dated March 22, 2006, we listed nine improvements which would attempt to bring Wyoming to full HAVA compliance. Three we reported on previously. For the other six we will list each one below with comment as to progress made.

In the March plan we stated:

### “Improvement 1: Statewide Voter Registration List:

*As stated in our previous report, we currently have a statewide voter registration system which counties are statutorily required to upload to only once per year, and 30 days prior to the primary and general elections. In working with ITD (Information Technology Division of the State Department of Administration and Information), they have agreed to build a web interface to the current voter registration database which is housed on the state mainframe. We are currently contracting for individuals with programming expertise in FOCUS applications. Sufficient programming resources were not available through ITD since FOCUS is an old programming language. In addition, programmers must be hired to augment ITD’s staff in order to accomplish the work required within such short timeframes.*

*Via the web interface, counties will be able to upload data from their current voter registration systems into this one statewide voter registration database. However, in order to do so, each county will need to modify their current voter registration application to create a data extract containing specific fields which are uniform for each county. It should be noted that some of the 23 counties do not have any IT support, especially rural counties, and will need State assistance to contract for the technical help which they will need.*

*The frequency of uploading data from counties to the state voter registration system needs further discussion with the Department of Justice.”*

We paid for staff to augment state resources and through ITD we hired a .NET programmer and a FOCUS programmer. The web interface for the existing state voter registration system has been completed. The Secretary of State's Office, and a hired contractor, worked with all 23 Wyoming counties to assist them in modifying their current voter registration applications to create a data extract containing specific fields which are uniform for each county. In some cases we used HAVA funds to pay for a third party vendor to make the modifications for counties, in some cases we consulted with a county's IT staff, and in some cases the contractor hired by the Secretary of State actually did some programming to assist counties in being able to reach the goal of submitting data in a uniform format. The system went live on Monday July 17, 2006 and all 23 counties are now using the system. Orchestrating this work has not been without difficulty since the counties' systems are varied and many of the counties' systems are quite old.

#### Improvement 2: Duplicate Record Checks:

*In our previous report, we had hoped to be able to run duplicate record checks 60 days and 10 days prior to the Primary and General Elections and 60 days after each election. In working with ITD on the solution described in Improvement 1 above, we have found a way to conduct duplicate checks immediately upon upload of the county data. Any voter records which are found to have a possible duplicate will not be uploaded into the voter registration system. Rather, a message or report will be returned to the county with relevant information so the local jurisdiction can investigate further if appropriate and make a final determination regarding that voter record.*

Duplicate records checks are being performed when the counties upload daily. A match of a potential duplicate prohibits the record from being entered into the system. The county is notified of the possible duplicate. After records are reconciled by the county, the proper record is uploaded.

#### Improvement 3: Death Records:

*As you will see below, there will likely be electronic solutions for the required interfaces with the Division of Criminal Investigation, the Department of Transportation, and the Social Security Administration. However, there is no viable interface for the short term with the Division of Vital Records. We had previously created an interface for the WyoReg project but it is not currently usable. A private provider supports the Division of Vital Records data and cannot reprogram an electronic interface in the amount of time available. Further, the Division of Vital Records is in the process of migrating their data from their current system to a new program thus making direct interfacing impossible at this time. Therefore another solution had to be determined.*

*In order to assure that current voter registration data does not include records of any individuals who are deceased, we are attempting to arrange for a one-time data extract of death records against which voter registration records will be matched. After that data check, the Division of Vital Records has agreed to provide an Excel extract of death records to the Secretary of State's Office monthly through June and then weekly from July through November. The Secretary of State's Office will then immediately forward the Excel death record data to the counties for voter registration record maintenance.*

We had great success in implementing a system which would allow us to check death records. Despite the fact that there was a migration of the Division of Vital Records data base, and despite the fact that we thought our only option was to use a monthly Excel spreadsheet, we were able to construct a system that accommodates the matching of the voter registration updates from counties with death records. The records which the counties upload by 6:00 pm on one day are "matched" against death records data which is updated nightly. Counties receive online notice of potential death record matches. We were very pleased to be able to implement this portion of the system.

#### *Improvement 4: Felon Checks:*

*After discussions with state ITD staff and DCI officials, it has been determined that an interface can be built in order to match voter registration records with DCI felon information. This match against available DCI felon record data will occur when the counties upload to the state voter registration system. Any voter records which are found to have a possible felon match will not be uploaded into the voter registration system. Rather, a message or report will be returned to the county with relevant information so the local jurisdiction can investigate further if appropriate and make a final determination regarding that voter record.*

The voter registration records which the counties upload by 6:00 pm on one day are "matched" against felony data which is updated nightly. Counties receive online notice of potential felon record matches.

#### *Improvement 5: Restoration of Voting Rights:*

*As stated in our previous report, under Wyoming law restoration of a felon's voting rights is granted by the Wyoming State Board of Parole. We are attempting to have the Board of Parole office submit a notice to the Secretary of State's office each time an individual's voting rights have been restored. We believe this is a realistic and reasonable solution since there is currently less than a dozen restoration of voting rights records and rights are restored infrequently. As we do receive any information pertaining to restoration of voting rights, that information will be immediately forwarded to the appropriate county.*

The Board of Parole will notify the Secretary of State's Office by e-mail of any individual whose voting rights have been restored. The Secretary of State's Office will in turn immediately notify the county clerk.

Improvement 6: Drivers License – Social Security – Unique Identifier:

*In our last report, we stated that we believed that interfacing with the Department of Transportation and Social Security Administration would be our greatest challenge. After discussions with state ITD staff and DOT administrators, we are pleased to report that it appears as if it will be possible to match voter registration information with drivers' license records. Additionally, we will be able to salvage the previous interface between the Department of Transportation and AAMVA to access social security information. All necessary arrangements have been made through AAMVA and SSA and, in fact, that interface was operable for a short period of time for the WyoReg project and continues to be available for the upcoming interface.*

The system which we implemented on July 17<sup>th</sup> does indeed have the capability to perform a check with the SSA through the Wyoming Department of Transportation and AAMVA.

*The state system which is being modified will be able to assign a unique identifier to each voter record. However, the ITD staff is unable to find a way, given the mainframe technology and programming, to have this unique identifier track with a voter record if that individual voter moves to another county. Once a long term solution is determined, we will provide that functionality.*

Again, we were able to do better than we had anticipated. The system which has been implemented has the ability to issue a unique identifier regardless of which county enters the voter registration. However, the interim system does not track voter history, therefore the unique ID does not follow a voter's moves from county to county. This issue will be addressed in the long term solution.

### **3 Voter Registration – long term plan**

*In addition to having a statewide voter registration list, kept as accurate as possible through the checks outlined above, it is necessary to use that list as a basis for the conduct of the election. Since many counties have some form of election management capability which surpasses that which the State could build in such a short timeframe, it seems wise to let counties use that capability for the short term as long as the county databases and the statewide database are in sync. To assure this, for the purposes of the conduct of the election, counties will upload to the statewide database and reconcile all records prior to freezing both the county and state systems for the election. The State will then print and maintain the formal statewide voter registration list which shall be the official list for conduct of the election. The counties will use their portion of the official list (which resides at the local level) for printing of poll books, tracking of absentee ballots, and other election management activities. The exception to this will be the three counties*

*who do not have a local system. For these counties, the state will provide poll book generation services.*

In order to help assure uniformity in the conduct of the election with all the new HAVA requirements and new equipment, the Secretary of State's Office issued 8 Directives to the counties. One of those Directives pertained to use of the voter registration system and freezing entries into the system immediately prior to the election so the county and statewide voter registrations systems will be in sync.

The other Directives pertained to possession of ballots, ballot color, marking of the ballots, ballot design, closing of the polls and statistical reporting.

*After discussions with other states and Wyoming's ITD staff, it appears as if one long term solution, which should be investigated further, is providing a voter registration/election management system to counties, requiring that system to simultaneously record to the statewide official database, as well as a local database. For Wyoming, the advantage of such a plan is that it may solve some of the connectivity problems which we face in a state of such large geography and difficult terrain. One of our previous concerns, even with the WyoReg project, was the performance of a statewide system where both the application and data were housed at a central location. By housing only the database at a central location, previous performance concerns may be mitigated. A local copy of the database may also provide redundancy which could be necessary if weather conditions were to cause outages or interruptions during the election period.*

We have contacted, and gathered information from many voting system vendors so we will have the information to review after Wyoming's Primary Election on August 22<sup>nd</sup>. As you know Wyoming's Secretary of State is term limited. There are two Republican candidates for Secretary of State and no Democratic candidate filed; however by state law there could be a Democratic candidate following the Primary if a candidate receives a threshold number of write-in votes. Therefore, we will know by September whether one of the Republican candidates will likely be Secretary of State or if the contest will proceed on to the General Election in November. [It is always possible for a write-in candidate to win the November election but is it not statistically likely.] We report this issue so you will know that we plan to proceed to completion of a fully HAVA compliant voter registration system as soon as possible following our Primary Election and as soon as a clear, long term direction can be obtained. It would be unwise to use HAVA funds to move forward in one particular direction if there is any significant chance that the direction could change with a new administration. We will proceed diligently as soon as it is wise to do so, no later than January when a new Secretary of State will take office.

Of particular note in this regard is the fact that the "back end" of the voter registration system which was implemented in July can be used for the long term solution. All required HAVA interfaces which are part of the voter registration system implemented in July can, and likely will, remain in operation. The county portions of the system need to be brought into full compliance.

## **4 Voting Systems**

As previously reported, Wyoming deployed and performed initial testing on all voting equipment during winter and early spring 2006. Training for all counties was conducted in April and May with completion in June. Counties then moved right into ballot preparation activities for the August 22<sup>nd</sup> Primary Election. There have been some problems with the voting systems but each problem has been addressed as it arose so it could be resolved before it would have any ill effect on the election itself. For example, of the 20 counties who have new ES&S equipment, all 20 had their PCMCIA cards replaced because ES&S believed those cards could be faulty. These cards are necessary for ballot tabulation. Following that, 13 of the 20 counties had to receive new PCMCIA cards again, either to replace the replacements or to replace ones that were needed to count demonstration ballots but which had malfunctioned. All faulty cards have since been replaced. It has been necessary for the Secretary of State's Office to frequently engage with ES&S on behalf of the counties in order to get the repair or replacement of equipment or the service which is necessary. The three Diebold counties appear to have prepared for the conduct of the upcoming election without difficulty.

## **5 Voter Education**

All county clerks received voter education posters and information cards which they could distribute to voters with instructions about properly marking optical scan ballots and the availability of accessible voting equipment. Voter education radio and newspaper ads begin statewide on August 7<sup>th</sup> and continue until Primary Election Day, August 22<sup>nd</sup>.

## **6 Accessibility**

We have been working diligently with Protection & Advocacy Inc. (P&A) in order to reach the disability community. We purchased every type of voting equipment which voters will use in Wyoming and provided it to P&A, along with a full supply of demonstration ballots, so they could demonstrate the equipment throughout the state. Members of the P&A staff were trained by county clerks about proper use of the equipment and the P&A staff are on a statewide tour bringing the instruction to disability groups in every county of the state. The relationship between Wyoming Protection & Advocacy Inc, the Secretary of State's Office and the counties has been developed over many years and is one of cooperation and positive accomplishment.

Wyoming is completing the fourth round of disbursement of HHS (Health and Human Services - EAID funds) to counties for assistance in making polling places accessible for voters with disabilities. In addition Protection & Advocacy Inc. has worked with many counties providing assistance and will have staff available to assist counties with any issues which might come up on Election Day.